

AN ACT

relating to a preference in state purchasing for certain media-related services offered by businesses based in Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2155.444, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The comptroller and each state agency conducting an advertising campaign that involves the creation or production of a commercial shall give preference to a commercial production company and advertising agency located in this state if:

(1) the services meet state requirements regarding the service to be performed and regarding expected quality; and

(2) the cost of the service does not exceed the cost of other similar services of similar expected quality that are offered by a bidder that is not entitled to a preference under this subsection.

(g) For purposes of Subsection (f), "commercial production company" means a corporation, limited liability company, partnership, or other private entity that includes as one of its purposes the production of one or more television, film, radio, or other media-related commercials.

(h) The Music, Film, Television, and Multimedia Office within the office of the governor has exclusive rulemaking authority for purposes of:

1 (1) determining whether an advertising campaign is
2 subject to the requirements of this section;

3 (2) establishing a bid process for purposes of the
4 services described by Subsection (f); and

5 (3) establishing criteria to determine whether a
6 commercial production company or advertising agency is located in
7 this state for the purposes of this section.

8 SECTION 2. The change in law made by this Act applies only
9 to a contract for which a state agency first advertises or otherwise
10 solicits bids, proposals, offers, or qualifications on or after the
11 effective date of this Act. A contract for which a state agency
12 first advertised or otherwise solicited bids, proposals, offers, or
13 qualifications before the effective date of this Act is governed by
14 the law in effect when the first advertisement or solicitation was
15 given, and the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2521 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2521 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2521 on May 31, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 2521

I certify that H.B. No. 2521 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2521 on June 1, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor